

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **December 16, 2004**.

Members Present:

Legislator Lynne Nowick • Vice•Chair

Legislator Daniel Losquadro

Legislator Brian Foley

Legislator Jay Schneiderman

Legislator Vivian Vilorio•Fisher

Legislator Elie Mystal

Members Not Present:

Legislator Paul Tonna • Chairman

Legislator Ricardo Montano

Also in Attendance:

Mea Knapp • Counsel to the Legislature

Ron Cohen • Aide to Legislator Tonna

Ilona Julius • Deputy Clerk/Suffolk County Legislature

John Ortiz • Senior Budget Analyst/Budget Review Office

Linda Bay • Aide to Presiding Officer Caracappa

Dan Hickey • Aide to Presiding Officer Caracappa

Nicole Wachter • Aide to Presiding Officer Caracappa

Kevin LaValle • Aide to Legislator Losquadro

Frank Tassone • Aide to Majority Leader

Paul Perillie • Aide to Minority Leader

Priscilla Smith • Aide to Legislator Kennedy

Ami Duryea • Aide to Legislator Schneiderman

Ginny Sohr • Aide to Legislator Vilorio•Fisher

Ben Zwirn • Assistant County Executive

Adam Santiago • County Executive Assistant

Janet DeMarzo • Commissioner/Department of Social Services

Ed Hernandez • Deputy Commissioner/Department of Social Services

Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services

Dr. Brian Harper •Commissioner/Department of Health Services

Joah Sapphire • Deputy Commissioner/Department of Health services

Vito Minei • Director/Division of Environmental Services•DHS

Michael Sacca • Nominee/SC Health Facilities Commission

Elizabeth Harrington • County Attorney's Office

Michael Stolz • Clubhouse of Suffolk

Kate Scope•Burgraf • Clubhouse of Suffolk

Steve Moll • Island Public Affairs

Hope Collazo • Director/American Red Cross Community Service Program

All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(* The meeting was called to order at 9:44 A.M. *)

VICE•CHAIR NOWICK:

Legislators to the horseshoe, I'm going to call this meeting to order. We'll start with the pledge of allegiance, and maybe we will ask

Mr. Zwirn to lead us.

Salutation

Good morning, everybody, and welcome to the Health and Human Services Committee today. It looks like a very short agenda, but we can keep you here as long as you like, it's not a problem.

LEG. VILORIA•FISHER:

Haven't we spent enough time here this week?

VICE•CHAIR NOWICK:

Have we not? Yeah, hour after hour, but that's what we do.

Before we go to the public hearing, I might just as well ask the Commissioner of Social Services if you want to address anything or you're okay with everything?

COMMISSIONER DEMARZO:

(Shook head yes).

VICE•CHAIR NOWICK:

Okay. Commissioner of Health, Dr. Harper? Well, everybody is staying far away, I can see that.

LEG. LOSQUADRO:

You're giving them the option.

VICE•CHAIR NOWICK:

Does anybody have any questions for these two that are avoiding us?

LEG. FOLEY:

Since it's the last meeting of the year someone has to ask some questions, so I guess it befalls this Legislator to do so. So if we could have the Commissioner of Health just step forward.

VICE•CHAIR NOWICK:

Oh, I'm sorry I said that.

LEG. FOLEY:

Okay.

VICE•CHAIR NOWICK:

You took me literally, Brian.

LEG. FOLEY:

I always do, Madam Chair. Thank you, Legislator Nowick. Commissioner, not that I'm seeking an answer today, but it would be helpful for the first meeting in January if you could give us an

update on the Tuition Scholarship Program that the Health Department has with the community college for the nursing students ••

COMMISSIONER HARPER:

Okay.

LEG. FOLEY:

•• who are at the college and how many have signed up to work, to intern in the Health Department once they've successfully •• once they graduate from the nursing program at the college and then work for the department for several years as per the contract.

COMMISSIONER HARPER:

Absolutely.

LEG. FOLEY:

If you know off the top of your head it would be great to know; if not, then ••

COMMISSIONER HARPER:

Oh, boy, I wouldn't know.

LEG. FOLEY:

•• certainly in January we would like to know what some of those numbers were this past year.

COMMISSIONER HARPER:

Okay, we can provide those numbers for you. But it's my understanding when I spoke last with our nurse •• our recruiter that the numbers were still fairly low, it was less than really five people that had signed up for the program and who were planning to come on board.

LEG. FOLEY:

Okay.

COMMISSIONER HARPER:

So it's a good concept. And if anything, we're hoping to expand that to other local colleges to see if we can attract more, more nurses.

LEG. FOLEY:

Right, good. Okay, thank you.

COMMISSIONER HARPER:

You're welcome.

VICE•CHAIR NOWICK:

Thank you, Dr. Harper. Everybody is all right? Okay, thank you.

COMMISSIONER HARPER:

Okay, thank you.

VICE•CHAIR NOWICK:

Happy holidays. We have one card today, Hope Collazo.

Good morning, Hope.

MS. COLLAZO:

Good morning.

VICE•CHAIR NOWICK:

You have three minutes to talk to us, tell us what you have to say.

MS. COLLAZO:

Primarily I'm just here to introduce myself. I'm the new Director of the American Red Cross Community Service Program. I am now overseeing the Adult and Juvenile Divisions of the Community Service and I am the go•between between the State and the County and what's going on between the Courts and Probation.

VICE•CHAIR NOWICK:

Well, it's wonderful to have you here.

MS. COLLAZO:

Thank you.

VICE•CHAIR NOWICK:

And we know how important this program is. As a matter of fact, many, many, many, many years ago when this program started, I at the time worked with a judge that was •• I was there, yes, and I worked with a judge that had inspired this. So it's so nice to have you, we know how important this is. Does anybody have any questions?

LEG. LOSQUADRO:

More just a comment, Madam Chair.

VICE•CHAIR NOWICK:

Just a comment from Legislator Losquadro.

LEG. LOSQUADRO:

I would like to echo the comments of the Acting Chair today. Thank you for coming down ••

MS. COLLAZO:

No problem.

LEG. LINDSAY:

•• and making a formal introduction. I know that we've spoken to you through my office and, you know, we take advantage of this program in my district, target problem areas and I know you've •• you've continued to fine tradition of working with the Legislators who make those requests and sending the crews out. So I just want to thank you and I look forward to working with you over the course of next year.

MS. COLLAZO:

No problem and I look forward to working with everyone. Thank you very much.

LEG. LINDSAY:

May I?

VICE•CHAIR NOWICK:

Yes, sure, Legislator Lindsay.

LEG. LINDSAY:

I would suggest that you come back and appear before the Safety Committee as well because they oversee Probation.

MS. COLLAZO:

Okay.

LEG. LINDSAY:

And your predecessor, as we all know, has some legal problems and I think we have a lot of questions about that.

MS. COLLAZO:

That's no problem, I would be happy to come back and sit down and answer any questions.

LEG. LINDSAY:

And if I'm not mistaken, the last audit that was done by our Comptroller identified a number of deficiencies in the program.

MS. COLLAZO:

Uh•huh.

LEG. LINDSAY:

We'd like to have a serious discussion about those deficiencies and what's being done to correct them.

MS. COLLAZO:

Oh, I would be more than happy to come and explain everything that we're doing and the changes that we have been making to correct any of the problems we found through the audit.

LEG. LINDSAY:

Okay.

MS. COLLAZO:

Okay? I'm going to leave cards in case anyone wants some, okay?

VICE•CHAIR NOWICK:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I was about to allude to those issues before Legislator Lindsay mentioned them. But I was wondering, Counsel, would we be discussing those issues at this committee or at Public Safety? Because there are questions that we need to ask.

MS. KNAPP:

If it involves the Probation Department it would be Public Safety is their jurisdiction.

LEG. VILORIA•FISHER:

Right. Thank you for coming down, welcome. Good to meet you.

MS. COLLAZO:

Thank you.

LEG. VILORIA•FISHER:

Bye•bye.

VICE•CHAIR NOWICK:

Thank you. Good luck to you.

LEG. FOLEY:

Madam Chair, I don't have a question for the new Director, but maybe Mr. Zwirn can help us. Usually this time of year is when the Executive Branch is making decisions on contracts for '05 and whether or not the American Red Cross contract is signed for '05 or is it intended to be signed? I think that would be important to know.

VICE•CHAIR NOWICK:

Good morning, Mr. Zwirn, again.

MR. ZWIRN:

Good morning. I came all the way up here to tell you that I don't know the answer to the question, but my guess is, as you all know who signs most of the contracts, I would guess it's not signed; as is probably most of the '04 contracts from what I gather. But I'll certainly find ••

LEG. FOLEY:

Referrals can still be made to American Red Cross? I mean, they're still working on the old contract.

MR. ZWIRN:

I don't know, but I will find out and I will let the committee know.

LEG. FOLEY:

Thank you.

VICE•CHAIR NOWICK:

Thank you.

Okay, we have a public hearing today, ***No. 2209•04 • Adopting a Local Law No. 04, a Local Law to require posting a sign indicating location of defibrillators (Alden).*** Has that been advertised?

MS. JULIUS:

Yes, Madam Chair, it's been duly advertised and it's properly filed.

VICE•CHAIR NOWICK:

Thank you. I do not have any cards for this public hearing. If anybody wants to say anything, this is the opportunity. Hearing no one, do I have a motion to close?

LEG. LOSQUADRO:

Motion.

VICE•CHAIR NOWICK:

Motion to close by Legislator Losquadro, second by Legislator Mystal. All in favor? Opposed?
2209 has been closed.

Okay, number four is a discussion; what does that mean?

LEG. LOSQUADRO:

Nothing, there's nothing there.

VICE•CHAIR NOWICK:

All right, we did the discussion.

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TABLED RESOLUTIONS

Okay, Tabled Resolutions, ***1894•04 • Reestablishing a Legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health services (Caracciolo)***. I would like to ask Counsel to please explain that and tell us where we stand on that and if we are legally within our rights.

MS. KNAPP:

This is Legislator Caracciolo's resolution, it basically, as it says, reestablishes a program that existed in the •• I believe it was the late 90's, early 2000 and based •• what it did was it allowed individuals' residence, residences in areas not served by public water to apply for free well testing through the Health Services Department.

MR. ZWIRN:

Madam Chair?

VICE•CHAIR NOWICK:

Yes.

MR. ZWIRN:

Is it possible that we could have this tabled another cycle?

The County Executive would like to have the opportunity to talk to the sponsor about this to find out if there was some particular incident that precipitated, you know, this and to go over again what the fiscal impact could be if there was some incident out in the east end or somewhere that Legislator Caracciolo felt compelled to ask for free testings. I think a lot of the testing that the Health Department does now is without charge to begin with.

LEG. LOSQUADRO:

Madam Chair?

LEG. VILORIA • FISHER:

I just have a quick question.

LEG. LOSQUADRO:

Oh, okay.

LEG. VILORIA • FISHER:

My question was to Budget Review to ask what type of fiscal impact this would create.

MR. ORTIZ:

Our analysis basically is that this will create a backlog in testing and to address it with additional staff would cost about \$600,000 a year; also there would be a loss of revenue of about \$60,000 a year.

LEG. LOSQUADRO:

I'm sorry, what was that last number?

VICE • CHAIR NOWICK:

Did you say 600,000 or 60?

LEG. VILORIA • FISHER:

So \$660,000 fiscal impact, possibly?

LEG. LOSQUADRO:

What was the 60,000 number?

MR. ORTIZ:

Or additional backlog of, you know, six to nine months.

LEG. VILORIA • FISHER:

Okay.

MR. ZWIRN:

I don't think that the cost of the test is excessive, what is it, \$100; it's \$100. And I think arrangements are made, if somebody has a problem with the ability to pay, that the Health Department takes that into account and would do it at no cost. So there is a major fiscal impact, but if there was some incident that precip •• that there would be a reason for this to be done at no job, then that's what I would like to •• we would like to have an opportunity to talk with Legislator Caracciolo about it.

LEG. VILORIA • FISHER:

Okay. When I asked that question I saw that Vito Minei got up out of his seat to come forward, so do you have further information,

Mr. Minei?

MR. MINEI:

Good morning, Legislators.

LEG. VILORIA • FISHER:

Good morning.

MR. MINEI:

Yes, we do private well testing and you know that's still a concern for the department that there probably are approximately 50, 60,000 private wells still mostly on the east end and that situation is exacerbated by the fact that a lot of them are in the agricultural community, so there's a problem. We have tried in the past, I was trying to remember when we did this, maybe 12, 15 years ago to drop the fee altogether and that really ended up in our staff being overwhelmed with requests; you get whole neighborhoods calling when they hear that one person on their block got a free water test. As Mr. Zwirn indicated, we currently charge \$100 for a private well test, that is truly a bargain. We've estimated that if you went to a private lab that would cost you easily \$1,500 to get a comparable analysis, and I think many of you know that our laboratory does more parameters than most laboratories.

So yes, on the surface we appreciate the initiative, we think that it's, you know, intended for further public health protection, but you have a choice, either a terrible delay, as Mr. Zwirn talked about and we estimate that when the calls start coming in it may be anywhere from six to nine months •• or we need a large infusion of staff both for doing the samples as well as the laboratory, and we believe the numbers that John Ortiz gave you are in the ballpark. So that's really the choice. And even with that staff, I think we start to pull away from some of our corps programs in the drinking water assessment.

LEG. LOSQUADRO:

Legislator Fisher?

LEG. VILORIA • FISHER:

And Vito, further to that •• let me just finish this point.

LEG. LOSQUADRO:

Okay; it was on that point, though.

LEG. VILORIA • FISHER:

With the agricultural environment with the _AIM_ Program with the State, one of the stages that we will have is more testing by the Health Department of the wells that might be impacted by agricultural use, and so I think we're addressing the issues, you know, sufficiently in other ways without reaching out to every private well that's out there.

MR. MINEI:

Right. We think the process we're involved with in the Water Authority and with the towns on the east end where we identify hot spots of pesticide contamination and work with the Water Authority and the towns to extend public water to that area is by far the best way of addressing the situation.

LEG. VILORIA • FISHER:

(Inaudible).

VICE • CHAIR NOWICK:

Legislator Losquadro.

LEG. LOSQUADRO:

The figures that you're stating about backlog, is that in any way based on historical data? Because I'm looking in the one, two, three, four, fifth WHEREAS clause and it says, "The Legislature instituted a policy in 2000 which expired last year that permitted the waiver of fees for the testing of private domestic wells." Did we experience that backlog when we were waiving the fees?

MR. MINEI:

Well, what we've done is when we've started a survey in an area, we've uncovered either through our monitoring well network or through the sampling of private wells what we suspect might be a concentration of wells that might be contaminated. We initiate a survey and waive the fees under the ambit that this is a general survey that we're conducting on our own accord. So yes, there is a backlog now. It takes •• for the full cycle to the completed, by the time we notify the homeowner, get the sample, get all the analysis in, evaluate the analysis, get the evaluation to the homeowner, a good two to three months now, which I believe is kind of long to begin with. So to answer your question, yes, there is a little bit of a backlog when we start waiving fees and increasing our sampling for free. But with this kind of a program, once the word gets out, I believe you'd get a tremendous backlog which, to my way of thinking, is no service at all if someone calls and you tell them it will be nine months before you get to their house to sample it. But the answer is yes, you always incur some backlog when you start waiving fees.

LEG. LOSQUADRO:

Thank you.

VICE•CHAIR NOWICK:

Legislator Foley I believe? No. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Looking at the resolution, the program already has existed, so was it a problem when it existed?

MR. MINEI:

Again, I was trying to remember the exact date we did it.

LEG. SCHNEIDERMAN:

I mean, in terms of, you know, the financial impact.

MR. MINEI:

We are basing our response on a precedent. I'm believing that it was at least 12 years ago that we dropped the fee altogether. I believe at that time it was a request by the Legislature and we indeed became immediately overwhelmed; it was not a responsive program.

LEG. SCHNEIDERMAN:

But you guys get to decide what areas you're designating, the Health Department gets to decide, as these high risk areas that would qualify under this program, right? So if you don't designate any areas nobody qualifies under the program. I'm just trying to imagine if, you know, a homeowner suddenly finds out that there's •• you know, there's wells in the neighborhood that are showing pesticides, that person ought to go out and get their water tested immediately. Even \$100 is cheap, but for some people it might •• you know, they might be reluctant to do that. It seems if you've already identified an area that is showing, you know, levels exceeding the MCL's for, you know, that chemical, you ought to be able •• there ought to be a program that goes out to those people.

MR. ZWIRN:

I think that's what the Health Department says that they do do at the present time and that's why I asked for a tabling, because Legislator Caracciolo may be aware of something in his Legislative District which would ask the Health Department to go out there and do this kind of a survey ••

LEG. LOSQUADRO:

Legislator Schneiderman?

MR. ZWIRN:

•• as opposed to just making it as a blanket ••

LEG. SCHNEIDERMAN:

Well, it sounds that what the Health Department does is they do their own surveys but, you know, it's selectively, it might be every five houses or whatever it might be. And if you're not

one of those houses and you want to go in and see if your kids are drinking okay water, you ought to be able to qualify under some type of program like this.

MR. MINEI:

But we do a general notification. When we suspect we're in an area of contamination based on that selective sampling, we try to notify as many homeowners in that plume that we think is reasonable. So again, I believe the best response to this is the one we have in motion, that is working with the Water Authority to get public water extended. Because unfortunately what becomes the reaction of the home owner is to immediately run out and expend often times very substantial sums on water treatment systems that we do not believe are the long-term solution to the problem.

LEG. SCHNEIDERMAN:

I think, you know, in certain areas, you know, on the north fork and on the south fork, you know, that may be a dream for some people to see public water, but it's not anywhere in the foreseeable future. So, you know, to hold out that prospect I think is kind of false hope right now. I think that those people aren't going to get public water for a long time perhaps, if ever, and they ought to at least be able to get these tests if they're being told that their neighborhood is showing some pesticide contamination.

MR. MINEI:

We thought we gave a modest number, the numbers we used in the response we thought were modest in the couple of thousand range based on this targeting and that still will incur a very substantial backlog. And I don't think the people will get the services that this resolution would lead you to believe.

LEG. SCHNEIDERMAN:

It just •• maybe it needs to be honed in a little bit, targeted a little bit better, but I think conceptually it's a good idea.

VICE-CHAIR NOWICK:

Legislator Losquadro and then Legislator Foley.

LEG. LOSQUADRO:

Just very quickly. Mr. Zwirn, you said you wanted to reach out to the sponsor and speak to him about this, I just asked Counsel and this was filed on September 28th; have you not spoken to him up to this point or spoken to him about some concerns and not others? I just •• I don't know, three months, another month, four months, at six months it will expire, so we're already halfway there, I don't know why you haven't reached out to the sponsor yet.

MR. ZWIRN:

Well, we're not aware •• I happen to live out on the east end and I'm not aware of any, you know, any incident that happened out there. And I have •• I'm one of the people who has well water, I don't have •• I'm available to town municipal water, but I still have my wells and I have them tested every, you know, 15 years so far. But I'm not •• I mean, I thought there might be something that precipitated this. I haven't had a chance •• I mean, I've talked to Legislator Caracciolo about a lot of things and this hasn't been on the agenda, but I didn't know if it was anything that was that pressing, otherwise I'm sure he would have, you know, contacted us and the Health Department to make sure that we were aware of it. So I'm not aware of anything that's pressing, I don't think there is, that's why I haven't ••

LEG. SCHNEIDERMAN:

Well, why don't we discharge it and then ••

VICE•CHAIR NOWICK:

Well, I think Legislator Foley had something to say.

LEG. FOLEY:

Yeah, thank you, Madam Chair. The part that it's been in committee for several months and it's a good point concerning whether or not the Executive has reached out to the Legislator, but at the same point •• and this has happened before with Legislator Caracciolo •• nor has he reached out to the department about this since he put the bill in, or before putting the bill in, to hear from the department.

MR. ZWIRN:

No. No, and it's only •• it really wasn't immediately that we found out what the fiscal impact was going to be with this.

LEG. FOLEY:

I understand.

MR. ZWIRN:

And it's substantial.

LEG. FOLEY:

My only point is the fact that these things many times are a two-way street and a number of us who put in •• who sponsor legislation concerning different departments make the point of certainly prior to the drafting of a resolution to speak with people in the department. And then after it's submitted to be laid on the table, if we see one of our resolutions have been tabled for several months we either speak to members of the committee and/or speak to the department as to what concerns they may have; I don't think that's happened in this case with the sponsor of the bill. That being the case, if this is tabled until let's say the end of January, which is only one month, between now and then there could be a dialogue between the sponsor and the department and also between the sponsor and this committee; that's the way many of us work and that's the way I would hope Legislator Caracciolo would work on this.

VICE-CHAIR NOWICK:

Okay.

LEG. FOLEY:

So I make a motion to table.

VICE-CHAIR NOWICK:

We have a motion.

LEG. SCHNEIDERMAN:

He made a motion to table, so •• I was about to make a motion to approve but they want to discuss one more point, but we have a motion before us now, so.

VICE-CHAIR NOWICK:

Okay.

LEG. LOSQUADRO:

So on the motion.

VICE•CHAIR NOWICK:

On the motion, well, we already had a discussion on the motion.

On the motion, who was ••

LEG. SCHNEIDERMAN:

It was a motion to table now.

VICE•CHAIR NOWICK:

Motion to table by Legislator Foley, second by Legislator Viloría•Fisher. And I think Legislator Schneiderman had a question about the motion to table?

LEG. SCHNEIDERMAN:

No, I had a motion •• I had on the bill itself I wanted to speak.

MS. MAHONEY:

Use your microphone, please.

LEG. SCHNEIDERMAN:

No, my comment was on the bill itself, so now we have a motion to table, I think we have to discuss that first.

VICE•CHAIR NOWICK:

I thought we just discussed that, but go ahead.

LEG. SCHNEIDERMAN:

Well, has there been a motion to approve the bill? Well, my question on the bill was, you know, I want to move to discharge it but I do think it probably could be cleaned up a little bit in some ways to give you guys a little bit more of a targeted approach where you don't have just a situation where anybody could come in who's in a high risk area but if you have a detection within a certain number of feet, you know, up the gradient from the ground water floor ••

MR. MINEI:

But that's what we do now; I mean, that's exactly what we do now.

LEG. SCHNEIDERMAN:

But it ought to be ••

MR. MINEI:

And it helps us ••

LEG. SCHNEIDERMAN:

•• codified some how so that people know that they qualify in this area; if you want to get your water tested they get it tested for free because they're down drift from ••

MR. MINEI:

It does not stop the phone calls.

LEG. SCHNEIDERMAN:

•• a known detection.

MR. MINEI:

You know, as discreetly as we think we can delineate plumes now, people just don't accept the fact that someone two blocks from them is entitled to a free water sample but they are not, it doesn't work that way. We target areas, we think we have the high priorities delineated, we continue to work with the towns and the Water Authority to try to extend public water or to notify people that they should be taking measures at least in the short•term to address the problem.

LEG. SCHNEIDERMAN:

Right, but right now it's an administrative function.

MR. MINEI:

But once you initiate a program of free water testing and you say it's targeted, the target gets very large pretty quickly.

LEG. SCHNEIDERMAN:

Well, I just want •• I think you can specify the target area, but you guys determine what that

target area is, so it seems like you do have administrative control as to who might be exempt.

MR. MINEI:

But we don't announce that there are free samples available. We target it and we very earnestly go out and do the samples and turn the analysis around, but we don't announce to an area, you know •• we don't broadcast that free samples are available.

LEG. SCHNEIDERMAN:

But you do tell people that they are down drift from a detection that exceeded the water quality standards.

MR. MINEI:

Yes, we do and we also give guidance ••

LEG. SCHNEIDERMAN:

And that they're likely ••

MR. MINEI:

•• on what we think they should do to respond to that concern.

LEG. SCHNEIDERMAN:

And you tell those people that they are •• you know, they should have their water tested and you will do it for nothing; yes?

MR. ZWIRN:

And you've got to remember, the cost to the homeowner is \$100 max and if there's a hardship the Health Department takes that into account. I mean, so ••

LEG. SCHNEIDERMAN:

But Ben, I'm just trying to codify that so that it's not the subjective decision on whether they can or can't waive that fee, if they're in that area that you've identified as, you know, high risk for pesticide contamination, there ought to be an automatic waiver, not a ••

MR. ZWIRN:

Well, that's not ••

LEG. SCHNEIDERMAN:

•• "Oh, maybe we will today and maybe we won't."

MR. ZWIRN:

But that bill •• this bill I don't think answers those questions.

VICE•CHAIR NOWICK:

All right, we have a motion to table and a second. Although I would prefer discharging without recommendation, I think the motion to table does supercede that. Motion to table by Legislator Foley, second by Legislator Viloría•Fisher. All in favor?

LEG. VILORIA•FISHER:

It would give the Legislator, the sponsor, the opportunity to join us at this committee so that as a committee we're doing our due diligence ••

VICE•CHAIR NOWICK:

I understand that.

LEG. VILORIA•FISHER:

•• in asking the sponsor ••

LEG. VILORIA•FISHER:

I would have hoped that he could have come between now and Tuesday, but there is a tabling motion that does supercede ••

LEG. SCHNEIDERMAN:

I'd like to see it moved, the guy can talk before it hits the floor of the Legislature, or the Health Department.

VICE•CHAIR NOWICK:

Okay. Motion.

LEG. VILORIA•FISHER:

But that wouldn't be our committee process and there's no urgency.

VICE•CHAIR NOWICK:

Okay. Motion to table by Legislator Foley, second by Legislator Viloría•Fisher. All in favor?

LEG. SCHNEIDERMAN:

Opposed.

VICE•CHAIR NOWICK:

Legislator Schneiderman is opposed. Okay, motion to table has passed, ***1894 has been tabled (VOTE: 5•1•0•2 Opposed: Legislator Schneiderman • Not Present: Legislators Tonna & Montano).***

LEG. FOLEY:

Madam Chair, whatever the iteration of next year's Health Committee, have the chair at that time extend an invitation to the sponsor to attend the next Health Committee meeting and between now and then to encourage him to speak with the Health Department as well.

VICE•CHAIR NOWICK:

Whoever the next chair is will have to do that.

2084•04 • Implementing Alternatives For Youth (AFY) Program (County Executive).

Would you please, Counsel, give us a little explanation?

MR. ZWIRN:

Madam Chair, I'm just saying this is a •• the County Executive proposed this. We would ask for one round of tabling on this and at that time we'll decide, we may be able to withdraw it.

VICE•CHAIR NOWICK:

I'll make a motion to table, second by Legislator Losquadro. All in favor? Opposed? ***2084 is tabled (VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).***

INTRODUCTORY RESOLUTIONS

2209•04 • Adopting Local Law No. 2004, a Local Law to require posting a sign indicating location of a defibrillator (Alden).

LEG. LOSQUADRO:

Motion.

VICE•CHAIR NOWICK:

Motion by Legislator Losquadro, second by Legislator Schneiderman.

All in favor? Opposed? ***2209 has been approved (VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).***

2211•04 • Reappointing Michael Sacca to the Suffolk County Health Facilities Commission (Alden). I'll make a motion to approve, second by Legislator Losquadro. All in favor? ***2211 has been approved (VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).***

2242•04 • Amending the 2004 Adopted Budget to accept and appropriate additional 100% State aid from the New York State Office of Alcoholism and Substance Abuse Services to the Department of Health services, Division of Community Mental Hygiene Services and to reallocate current funding (County Executive). I would like to make a motion to approve and put on the consent calendar.

LEG. FOLEY:

Motion.

VICE•CHAIR NOWICK:

Motion by Legislator Foley, seconded by Legislator Schneiderman.

LEG. MYSTAL:

You can't put that on the consent calendar.

VICE•CHAIR NOWICK:

Why; it's a hundred percent, no?

LEG. MYSTAL:

(Inaudible).

LEG. SCHNEIDERMAN:

No, that's not true.

VICE•CHAIR NOWICK:

Yes, we can.

MR. COHEN:

It's a 100% of the State or 100% of the committee?

VICE•CHAIR NOWICK:

No, it's 100% State aid.

LEG. MYSTAL:

No, no, no, no, a hundred percent of the people who are on the committee have to be present before you can put it on the consent calendar.

LEG. SCHNEIDERMAN:

That's not true.

LEG. VILORIA•FISHER:

Is that true, Mea?

LEG. SCHNEIDERMAN:

That's not in the rules.

LEG. NOWICK:

Counsel, please, could you tell us that?

LEG. MYSTAL:

Check the rules.

MR. COHEN:

The question is is it 100% of the State or 100% of the committee?

LEG. FOLEY:

It has to be a unanimous vote of the quorum of a committee to place it on the consent calendar. But that motion to place it on the consent calendar, the first threshold is that the resolution itself has to be 100% State or Federal aid. So it's two hundred percents but it's not •

- you don't need the whole membership of the committee, it's if you have a ••

VICE•CHAIR NOWICK:

Well, Legislative Counsel will be looking it up and we'll get the answer.

LEG. FOLEY:

Well, that's ••

MS. KNAPP:

There is no requirement that a hundred percent of the committee, (inaudible).

LEG. VILORIA•FISHER:

Counsel said as long as there's a quorum there's an affirmative vote, she didn't have her mike on.

LEG. FOLEY:

Very good.

VICE•CHAIR NOWICK:

Okay. So 2242, there is a motion to approve and place on the consent calendar.

LEG. LOSQUADRO:

Second.

VICE•CHAIR NOWICK:

Motion by myself, seconded by Legislator Losquadro. All in favor? Opposed? **2242 is**

approved and on the consent calendar

(VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).

LEG. SCHNEIDERMAN:

Same motion, same second?

VICE•CHAIR NOWICK:

2267•04 • Amending the 2004 Adopted Budget to accept and appropriate additional 100% State aid to FECS, Federation of Organizations, Inc., Pedersen Krag Center, Inc., Family Service League and Clubhouse of Suffolk, Inc., for supportive case management programs (Presiding Officer at the Request of the County Executive).

Same motion, same second. All in favor? Opposed? ***2267 is approved (VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).***

2268•04 • Amending the 2004 Adopted Budget to accept and appropriate additional 100% State aid to Clubhouse of Suffolk, Inc., and Family Service League, Inc., for provision of supportive case management SCTM with Peer Services in Adult Homes (Presiding Officer at the Request of the County Executive). Same motion, same second.

All in favor? Opposed? ***2268 is approved (VOTE: 6•0•0•2 • Not Present: Legislator Tonna & Legislator Montano).***

That would wrap up the meeting for today. All in favor? Opposed?

LEG. FOLEY:

Happy holidays.

VICE•CHAIR NOWICK:

If you want me to run this next time, just let me know.

(*The meeting was adjourned at approximately 10:20 A.M.*)

***Legislator Lynne Nowick, Vice•Chair
Health & Human Services Committee***

_ _ • Denotes Spelled Phonetically